IN THE CLAIMS

(currently amended) An instrument for holding intervertebral spacer, the instrument comprising:

a shaft having a proximal end forming a handle, and a distal end forming a claw subassembly;

said claw subassembly including a first pincer which is in a fixed position relative to said shaft at the distal end of the shaft and a second pincer which is pivotally coupled with said first pincer for rotating about a single point of rotation into and out of spacer holding association with said first pincer, wherein said second pincer is biased towards one of a spacer holding association position or out of a spacer holding association position; and

an actuation mechanism for selectively rotating said second pincer, wherein said first and second pincers have opposing inner curved surfaces that extend to a distal-most end of said instrument,

wherein said actuation mechanism comprises a sliding member mounted to said shaft which is selectively movable, by pushing, in at least a distal direction by a force sufficient to overcome the bias of said second pincer.

- (previously presented) The instrument of claim 1, wherein said second pincer is spring biased away from said first pincer.
- (currently amended) The instrument of claim 3. 2, wherein the actuation mechanism comprises a sliding member mounted to the shaft which is selectively moveable in the distal direction by a force sufficient to overcome the bias of the spring, the distally directed movement of the sliding member thereby causing said second pincer to pivot toward said fixed first pincer, and the subsequent retraction of the sliding member in a proximal direction causes the sliding member to move

away from said second pincer so as to permit said pincers to separate under the bias of the spring.

- (previously presented) The instrument of claim 3, wherein said second pincer includes a tapered surface which is contacted by a corresponding surface of the sliding member, said contacting causes said second pincer to pivot relative to said first pincer.
- (previously presented) A combination including the instrument of claim 1, the combination comprising:

intervertebral spacer comprising a cylindrical member having an annular groove defining a central axial core portion and a pair of flange portions at opposing ends thereof; and

said claw subassembly engages the spacer at the central axial core.

(currently amended) An intervertebral spacer grasping instrument, comprising:

a pair of pincers, a first of said pair being in a rigidly fixed position, and a second being pivotally coupled to said first pincer in one of an open-biased opposition or a closed opposition thereto such that said second pincer rotates about a single point of rotation, said first and second pincers inner curved surfaces that having opposing extend distal-most end of said instrument; and

a sliding element translatable into and out of contact with said second pincer to close and open only said second pincer relative to said fixed first pincer, wherein said sliding element slides along a shaft of said instrument, said sliding element slidable by a pushing or pulling force applied to said sliding element-pair of pincers, respectively.

Application No.: 10/771,597 Docket No.: SPINE 3.0-447 CONT

7. (previously presented) The grasping instrument of claim 6, wherein:

said pair of pincers define an intervertebral spacer grasping enclosure having an access opening through which an intervertebral spacer can be passed for placement into the intervertebral spacer grasping enclosure when the element is out of contact with said second pincer; and

said intervertebral spacer is securely maintained between said first and second pincers when the sliding element has been translated into contact with said second pincer.

- (previously presented) The grasping instrument of claim 7, wherein said first and second pincers are mounted at the distal end of a common shaft, and the sliding element is translateable along said shaft, and wherein said second pincer has a portion thereof which is contacted by the sliding element to close said pair of pincers.
- (previously presented) The grasping instrument 9. claim 8, wherein said second pincer is mounted to the common shaft by a pivot pin, and the portion of said second pincer which is contacted by the sliding element is a tapered surface, the angle of which tapered surface, when contacted by the sliding element, causes said second pincer to rotate about the pivot pin, closing said first and second pincers.
- (previously presented) The instrument of claim further comprising a pin extending through said first and second pincers for pivotally coupling said first and second pincers.
- (previously presented) The grasping instrument claim 6, further comprising a pin extending through said first and second pincers for pivotally coupling said first and second pincers.

TCTCCCGCAC	CAGGCCGGGC	TTGGGCCCTG	CACAGATATT	TCCATTTCTT	CCTCACTATG	976
ACACTGAGCA	AGATCTTGTC	TCCACTAAAT	GAGCTCCTGC	GGGAGTAGTT	GGAAAGTTGG	1036
AACCGTGTCC	AGCACAGAAG	GAATCTGTGC	AGATGAGCAG	TCACACTGTT	ACTCCACAGC	1096
GGAGGAGACC	AGCTCAGAGG	CCCAGGAATC	GGAGCGAAGC	AGAGAGGTGG	AGAACTGGGA	1156
IŢTGAACCCC	CGCCATCCTT	CACCAGAGCC	CATGCTCAAC	CACTGTGGCG	TTCTGCTGCC	1216
CCTGCAGTTG	GCAGAAAGGA	TGTTTTGTCC	CATTTCCTTG	GAGGCCACCG	GGACAGACCT	1276
GGACACTAGG	GTCAGGCGGG	GTGCTGTGGT	GGGGAGAGGC	ATGGCTGGGG	TGGGGGTGGG	1336
GAGACCTGGT	TGGCCGTGGT	CCAGCTCTTG	GCCCCTGTGT	GAGTTGAGTC	TCCTCTCTGA	1396
GACTGCTAAG	TAGGGGCAGT	GATGGTTGCC	AGGACGAATT	GAGATAATAT	CTGTGAGGTG	1456
CTGATGAGTG	ATTGACACAC	AGCACTCTCT	AAATCTTCCT	TGTGAGGATT	ATGGGTCCTG	1516
CAATTCTACA	GTTTCTTACT	GTTTTGTATC	AAAATCACTA	TCTTTCTGAT	AACAGAATTG	1576
CCAAGGCAGC	GGGATCTCGT	ATCTTTAAAA	AGCAGTCCTC	TTATTCCTAA	GGTAATCCTA	1636
TTAAAA				· .		1642

(2) INFORMATION FOR SEQ ID NO:2:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 209 amino acids
 - (B) TYPE: amino acid
 - (D) TOPOLOGY: linear
- (ii) MOLECULE TYPE: protein
- (xi) SEQUENCE DESCRIPTION: SEQ ID NO:2:

Met Asp Pro Phe Leu Val Leu Leu His Ser Val Ser Ser Ser Leu Ser 1 5 10 15

Ser Ser Glu Leu Thr Glu Leu Lys Phe Leu Cys Leu Gly Arg Val Gly 20 25 30

Lys Arg Lys Leu Glu Arg Val Gln Ser Gly Leu Asp Leu Phe Ser Met
35 40 45

Leu Leu Glu Gln Asn Asp Leu Glu Pro Gly His Thr Glu Leu Leu Arg
50 55 60

Glu Leu Leu Ala Ser Leu Arg Arg His Asp Leu Leu Arg Arg Val Asp
65 70 75 80

Asp Phe Glu Ala Gly Ala Ala Gly Ala Ala Pro Gly Glu Glu Asp 85 90 95

Leu Cys Ala Ala Phe Asn Val Ile Cys Asp Asn Val Gly Lys Asp Trp
100 105 110

Arg Arg Leu Ala Arg Gln Leu Lys Val Ser Asp Thr Lys Ile Asp Ser 115 120 125

Ile Glu Asp Arg Tyr Pro Arg Asn Leu Thr Glu Arg Val Arg Glu Ser 130 135 140

at cont.

Leu Arg Ile Trp Lys Asn Thr Glu Lys Glu Asn Ala Thr Val Ala His 145 150 155 160

Leu Val Gly Ala Leu Arg Ser Cys Gln Met Asn Leu Val Ala Asp Leu 165 170 175

Val Gln Glu Val Gln Gln Ala Arg Asp Leu Gln Asn Arg Ser Gly Ala 180 185 190

Met Ser Pro Met Ser Trp Asn Ser Asp Ala Ser Thr Ser Glu Ala Ser 195 200 205

(2) INFORMATION FOR SEQ ID NO:3:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 70 amino acids
 - (B) TYPE: amino acid
 - (C) STRANDEDNESS: single
 - (D) TOPOLOGY: linear
- (ii) MOLECULE TYPE: peptide
- (ix) FEATURE:
 - (A) NAME/KEY: Modified-site
 - (B) LOCATION: 11
- (D) OTHER INFORMATION: /note= "V is replaced by asparagine(N) for the point mutant of hFADD"
 - (xi) SEQUENCE DESCRIPTION: SEQ ID NO:3:

Asp Trp Arg Arg Leu Ala Arg Gln Leu Lys Val Ser Asp Thr Lys Ile

5 10 15

Asp Ser Ile Glu Asp Arg Tyr Pro Arg Asn Leu Thr Glu Arg Val Arg 20 25 30

Glu Ser Leu Arg Ile Trp Lys Asn Thr Glu Lyś Glu Asn Ala Thr Val 35 40 45

Ala His Leu Val Gly Ala Leu Arg Ser Cys Gln Met Asn Leu Val Ala 50 55 60

Asp Leu Val Gln Glu Val 65 70

(2) INFORMATION FOR SEQ ID NO:4:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 70 amino acids
 - (B) TYPE: amino acid
 - (C) STRANDEDNESS: single
 - (D) TOPOLOGY: linear
- (ii) MOLECULE TYPE: peptide
- (ix) FEATURE:
 - (A) NAME/KEY: Modified-site
 - (B) LOCATION: 11
- (D) OTHER INFORMATION: /note= "I is replaced by asparagine(N) for the point mutant of rFas"

at cont

(xi) SEQUENCE DESCRIPTION: SEQ ID NO:4:

Asp Ala Lys Lys Phe Ala Arg Gln His Lys Ile Pro Glu Ser Lys Ile

Asp Glu Ile Glu His Asn Ser Pro Gln Asp Ala Ala Glu Gln Lys Ile 25

Gln Leu Leu Gln Cys Trp Tyr Gln Ser His Gly Lys Thr Gly Ala Cys

Gln Ala Leu Ile Gln Gly Leu Arg Lys Ala Asn Arg Cys Asp Ile Ala

Glu Glu Ile Gln Ala Met

(2) INFORMATION FOR SEQ ID NO:5:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 70 amino acids
 - (B) TYPE: amino acid
 - (C) STRANDEDNESS: single
 - (D) TOPOLOGY: linear
- (ii) MOLECULE TYPE: peptide
- (ix) FEATURE: ·
 - (A) NAME/KEY: Modified-site(B) LOCATION: 11
- (D) OTHER INFORMATION: /note= "V is replaced by asparagine(N) for the point mutant of hFas"
 - (xi) SEQUENCE DESCRIPTION: SEQ ID NO:5:

Gln Val Lys Gly Phe Val Arg Lys Asn Gly Val Asn Glu Ala Lys Ile

Asp Glu Ile Lys Asn Asp Asn Val Gln Asp Thr Ala Glu Gln Lys Val 20

Gln Leu Leu Arg Asn Trp His Gln Leu His Gly Lys Lys Glu Ala Tyr

Asp Thr Leu Ile Lys Asp Leu Lys Lys Ala Asn Leu Cys Thr Leu Ala

Glu Lys Ile Gln Thr Ile

(2) INFORMATION FOR SEQ ID NO:6:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 70 amino acids
 - (B) TYPE: amino acid
 - (C) STRANDEDNESS: single
 - (D) TOPOLOGY: linear
- (ii) MOLECULE TYPE: peptide
- (ix) FEATURE:
 - (A) NAME/KEY: Modified-site
 - (B) LOCATION: 11

- - (xi) SEQUENCE DESCRIPTION: SEQ ID NO:6:

Arg Trp Lys Glu Phe Val Arg Arg Leu Gly Leu Ser Asp His Glu Ile
1 10 15

Asp Arg Leu Glu Leu Gln Asn Gly Arg Cys Leu Arg Glu Ala Gln Tyr
20 25 30

Ser Met Leu Ala Thr Trp Arg Arg Arg Thr Pro Arg Arg Glu Ala Thr 35 40 45

Leu Glu Leu Leu Gly Arg Val Leu Arg Asp Met Asp Leu Leu Gly Cys 50 60

Leu Glu Asp Ile Glu Glu 65 70

(2) INFORMATION FOR SEQ ID NO:7:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 117 base pairs
 - (B) TYPE: nucleic acid
 - (C) STRANDEDNESS: single
 - (D) TOPOLOGY: linear
- (xi) SEQUENCE DESCRIPTION: SEQ ID NO:7:

AAGCCTGGTA CCATGCTGGG CATCTGGACC CTCCTACCTC TGGTTCTTAC GTCTGTTGCT

AGATTATCGT CCAAAGACTA CAAGGACGAC GATGACAAGA GTGTTAATGC CCAAGTC

117

60

